

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent. In the certificate program: The total tenant payment minus any utility allowance. (This term applies both to a regular tenancy and an over-FMR tenancy.)

Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (rental voucher). A document issued by an HA to a family selected for admission to the voucher program. This document describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher program. The rental voucher program.

Waiting list admission. An admission from the HA waiting list.

[63 FR 23857, Apr. 30, 1998; 63 FR 31625, June 10, 1998]

§ 982.5 Notices required by this part.

Where part 982 requires any notice to be given by the HA, the family or the owner, the notice must be in writing.

Subpart B—HUD Requirements and HA Plan for Administration of Program

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.51 HA authority to administer program.

(a) The HA must be a governmental entity or public body with authority to administer the tenant-based program. The HA must provide HUD evidence, satisfactory to HUD, of such authority, and of the HA jurisdiction.

(b) The evidence submitted by the HA to HUD must include enabling legislation and a supporting legal opinion satisfactory to HUD. The HA must submit

additional evidence when there is a change that affects its status as an HA, authority to administer the program, or the HA jurisdiction.

§ 982.52 HUD requirements.

(a) The HA must comply with HUD regulations and other HUD requirements for the program. HUD requirements are issued by HUD headquarters, as regulations, FEDERAL REGISTER notices or other binding program directives.

(b) The HA must comply with the consolidated ACC and the HA's HUD-approved applications for program funding.

(Approved by the Office of Management and Budget under control number 2577-0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§ 982.53 Equal opportunity requirements.

(a) The tenant-based program requires compliance with all equal opportunity requirements imposed by contract or federal law, including the authorities cited at 24 CFR 5.105(a) and title II of the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*

(b) For the application of equal opportunity requirements to an Indian Housing Authority, *see* 24 CFR 950.115.

(c) The HA must submit a signed certification to HUD of the HA's intention to comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23859, Apr. 30, 1998]

§ 982.54 Administrative plan.

(a) The HA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the HA Board of Commissioners or other authorized HA officials. The administrative plan

states HA policy on matters for which the HA has discretion to establish local policies.

(b) The administrative plan must be in accordance with HUD regulations and other requirements. The HA must revise the administrative plan if needed to comply with HUD requirements. The HA must give HUD a copy of the administrative plan.

(c) The HA must administer the program in accordance with the HA administrative plan.

(d) The HA administrative plan must cover HA policies on these subjects:

(1) How the HA selects applicants from the HA waiting list, including applicants with federal and other preferences (see §§ 982.202(b)(2) and 982.208(b)), procedures for removing applicant names from the waiting list, and procedures for closing and reopening the HA waiting list;

(2) Issuing or denying vouchers or certificates, including HA policy governing the voucher or certificate term and any extensions or suspension of the term. "Suspension" means stopping the clock on the term of a family's certificate or voucher after the family submits a request for lease approval. If the HA decides to allow extensions or suspensions of the certificate or voucher term, the HA administrative plan must describe how the HA determines whether to grant extensions or suspensions, and how the HA determines the length of any extension or suspension;

(3) Any special rules for use of available funds when HUD provides funding to the HA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families;

(4) Occupancy policies, including:

(i) Definition of what group of persons may qualify as a "family";

(ii) Definition of when a family is considered to be "continuously assisted";

(5) Encouraging participation by owners of suitable units located outside areas of low income or minority concentration;

(6) Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit;

(7) Providing information about a family to prospective owners;

(8) Disapproval of owners;

(9) Subsidy standards;

(10) Family absence from the dwelling unit;

(11) How to determine who remains in the program if a family breaks up;

(12) Informal review procedures for applicants;

(13) Informal hearing procedures for participants;

(14) For the voucher program: the process for establishing and revising payment standards, including affordability adjustments;

(15) For the certificate and voucher programs, the method for determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract);

(16) Approval and administration of over-FMR tenancies in the HA certificate program;

(17) HA choice whether to offer particular special housing types (see § 982.601(b));

(18) Special policies concerning special housing types in the program (e.g., use of shared housing);

(19) Policies concerning payment by a family to the HA of amounts the family owes the HA;

(20) Interim redeterminations of family income and composition;

(21) Restrictions, if any, on the number of moves by a participant family (see § 982.314(c)); and

(22) Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 27163, May 30, 1996; 63 FR 23859, Apr. 30, 1998]

Subpart C—Funding and HA Application for Funding

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.101 Allocation of funding.

(a) *Allocation to HUD offices.* The Department allocates budget authority